

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
-vs-)	Case No. 08 CR 487
)	
)	Judge Elaine E. Bucklo
)	Magistrate Judge Arlander Keys
JESUS GONZALEZ)	

MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS

NOW COMES the Defendant herein, JESUS GONZALEZ, by and through his attorney, DANIEL E. RADAKOVICH and respectfully prays this Honorable Court to enter an Order granting Defendant an additional period of twenty-one (21) days in which to file his pretrial motions and for other relief and in support whereof states as follows:

1. That in a minute order entered by Magistrate Judge Keys on August 1, 2008 the order read, in part, as follows: "16.1A conference to held by 8/4/08. Pretrial motions to be filed by 8/14/08." (see document number 14).
2. That in a minute entry entered by Judge Bucklo on August 5, 2008 the status hearing that had previously been set for August 15, 2008 (in document number 14) was reset for August 29, 2008 at 10:00 a.m. (see document number 15)
3. That defense counsel received 16.1A materials from the Government on August 5, 2008 with additional materials received on August 11, 2008. One of the documents received on August 11, 2008 was a Consent to Search a document (bates-stamped 000000041) which is highly relevant as to a motion to suppress evidence that defense counsel is contemplating filing in this matter and upon which work has already begun.
4. That defense counsel is satisfied that the Government is providing 16.1A materials in good faith and in as timely a fashion as the Government is receiving them.
5. That in the process of interviewing potential witnesses to the facts and circumstances surrounding the events which will be the basis of a defense motion to suppress evidence defense counsel has come to the conclusion that telephone records of certain witnesses relating to June 18, 2008 will be highly-probative to the ultimate merit of the motion to suppress evidence.
6. That defense counsel in cooperation with potential witnesses has begun the process of trying to retrieve telephone records for several witnesses relating to the late morning and afternoon of June 18, 2008. Unfortunately, defense counsel will not be in a position to be in

possession of these records by the current due date of Defendant's pretrial motions which are currently scheduled to filed on August 14, 2008.

7. That in a telephone conference that defense counsel had with Assistant United States' Attorney Anthony P. Garcia on the afternoon of August 13, 2008 the defense and Government have come to the following agreement-subject to this Honorable Court's approval-which is summarized as follows:

a. That the Government does not oppose the defense being granted an additional period of twenty-one (21) days or until September 4, 2008 to file pretrial motions in this cause;

b. That the defense does not opposed the Government being granted an additional period of ten (10) to fourteen (14) days thereafter to file the Government's response (thus making the Government's response due on either September 15 or 18, 2008);

c. That the status hearing currently set for August 29, 2008 at 10:00 a.m. be reset for September 19, 2008 (or any date thereafter) for the purpose of the parties appearing to set a later hearing date on the defense's motion to suppress evidence;

d. That the parties also agree that "time be excluded" for the filing of these motions subject to United States v. Tibboel;

e. That the parties also agree that this Honorable Court may rule on the above and foregoing motion without the necessity of a hearing should this Honorable Court so desire.

8. That defense counsel has scheduled a hearing date on this Motion for Extension of Time should this Honorable Court require counsel to appear.

WHEREFORE, Defendant respectfully prays this Honorable Court for the following relief as is stated in Paragraph 7a through 7e inclusively.

Respectfully submitted,

s/Daniel E. Radakovich
DANIEL E. RADAKOVICH

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2008, I electronically filed the foregoing MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Honorable Patrick Fitzgerald
United States State's Attorney
219 South Dearborn Street
5th Floor
Chicago, Illinois 60604
United States Department of Justice
Attention: AUSA Anthony P. Garcia

Carrie J. Holberg
United States Pretrial Services Officer
United States Pretrial Services
219 South Dearborn Street
Room 15100
Chicago, Illinois 60604

By: s/Daniel E. Radakovich